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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

United States of America,

Plaintiff,

vs.

Aaron Michael Shamo,

Defendant.

Defendant's Motion to Continue

Case No. 2:16-cr-631 DAK

Mr. Shamo moves to continue his jury trial ninety days and the parties' pretrial deadlines by a like period.

Mr. Shamo is charged with possession of fentanyl with intent to distribute.¹ The government first charged him by complaint, and he made his initial appearance on November 23, 2016.² He was subsequently indicted and arraigned on December 7, 2016.³ Under the current scheduling order, trial begins February 13, 2017.⁴ Twenty-nine days have elapsed under the Speedy Trial Act and Mr. Shamo is in pretrial detention.

¹ ECF No. 11.

² ECF No. 6.

³ ECF No. 13.

⁴ *Id.*

Defense counsel needs additional time to review discovery and prepare for trial. According to the government, it's still investigating the scope of Mr. Shamo's alleged activities and intends to produce significantly more discovery in the near future. Mr. Shamo can't make any meaningful decisions about pretrial motions or trial until he's reviewed these materials in full.

Under the circumstances, proceeding to trial on February 13, 2017, would deny Mr. Shamo the ability to adequately defend himself and result in a miscarriage of justice.⁵ At this point, the ends of justice served by granting the requested continuance outweigh the interests of the public and the defendant in a speedy trial. Thus, the time resulting from the proposed continuance is excludable as an ends-of-justice continuance under 18 U.S.C. § 3161(h)(7)(A).

The record should reflect that Mr. Shamo was consulted about the motion and agrees with the proposed continuance. Defense counsel also contacted the government, and they indicated they support Mr. Shamo's motion.

Ms. Shamo asks the Court to take the following actions:

1. continue the trial sixty days;
2. set a new pretrial motion deadline;
3. set a new plea agreement deadline; and
4. set a new deadline for proposed voir dire and jury instructions.

⁵ See 18 U.S.C. §§ 3161 (h)(7)(B)(i) and (iv).

Respectfully Submitted:
AARON MICHAEL SHAMO

By: /s/ Adam G. Bridge
Adam G. Bridge
Assistant Federal Public Defender

Dated: January 5, 2017